

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MIGUEL MOLINA,)	
Plaintiff,)	
)	C.A. No. 13-176 Erie
v.)	
)	
NANCY McGARVIE, et al,)	
Defendants.)	

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on June 21, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for her report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The Magistrate Judge's Report and Recommendation, issued on March 3, 2014, recommended that Defendant McGarvie's motion to dismiss, herein treated as a motion for summary judgment [ECF No. 18], be granted; Defendant O'Rourke's motion to dismiss, herein treated as a motion for summary judgment [ECF No. 33], be granted; and Plaintiff's motion to voluntarily dismiss his claims against Defendant Kim Smith [ECF No. 30] be granted, and Defendant Smith's motion to dismiss [ECF No. 27] be dismissed as moot. By virtue of the foregoing, the Magistrate Judge recommended that this case should be terminated and the Clerk should mark the case closed. Service of the Report and Recommendation was made on Plaintiff by mail at his address of record at SCI Forest, where he is incarcerated, and on Defendants. No objections were filed. After this Court's de novo review of the Plaintiff's Complaint and documents of record in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 28th day of March, 2014;

IT IS HEREBY ORDERED that Defendant McGarvie's motion to dismiss, herein treated as a motion for summary judgment [ECF No. 18], is GRANTED; Defendant O'Rourke's motion to dismiss, herein treated as a motion for summary judgment [ECF No. 33], is GRANTED; Plaintiff's motion to voluntarily dismiss his claims against Defendant Kim Smith [ECF No. 30] is GRANTED, and Defendant Smith's motion to dismiss [ECF No. 27] is DISMISSED as moot. The Clerk is directed to mark the case closed. The Report and Recommendation of Magistrate Judge Baxter, issued March 3, 2014, is adopted as the Opinion of the Court.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

MARK R. HORNAK
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

All parties of record